

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Ted's Appliance Advantage, Inc.

dba

Major Appliances Recycling Services  
1497 Los Angeles Avenue  
Ventura, CA 93004

Respondent.

Docket HWCA 2006 1113

CONSENT ORDER

Health and Safety Code  
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and Ted's Appliance Advantage, Inc., dba Major Appliances Recycling Services (Respondent), enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent handled cathode ray tubes (CRTs) and universal waste electronic devices (UWEDs), both hazardous waste at 1497 Los Angeles Avenue, Ventura, CA 93004 (Site).

1.3. Inspection. The Department inspected the Site on February 23, 2006.

1.4. Authorization Status. Respondent is not authorized to handle or treat CRTs or UWEDs by the Department.

1.5. Jurisdiction. Health and Safety Code section 25187, authorizes the Department to order action necessary to correct violations and to assess a penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement

issued or adopted pursuant thereto.

1.6. Full Settlement. This Order shall constitute full settlement of the violations alleged below. The Parties, and each of them, agree that this Order, and all of the terms contained herein, are fair, reasonable, and in the public interest. By agreeing to this Order, the Department does not waive any right to take other enforcement actions except as specifically provided in this Order.

1.7. Hearing. Respondent waives any and all rights to a hearing in this matter.

1.8. Admissions. Respondent admits the violations as alleged in Section 2 below.

## 2. VIOLATIONS ALLEGED

2.1 The Department alleges the following violations:

2.1.1. The Respondent violated California Code of Regulations, title 22, sections 66273.81(a) and 66273.11(a), in that on or about February 23, 2006, Respondent disposed of UWEDs and CRTs.

2.1.2. The Respondent violated California Code of Regulations, title 22, sections 66273.13(d)(2)(A) and 66273.82(a), in that on or about February 23, 2006, Respondent failed to notify the Department at least 30 days prior to accepting any CRTs materials or UWEDs from an offsite source.

2.1.3. The Respondent violated California Code of Regulations, title 22, section 66273.83(a)(2), in that on or about February 23, 2006, Respondent failed to immediately cleanup and place in a container any CRTs material that is broken or shows evidence of breakage, leakage, or damage.

2.1.4. The Respondent violated California Code of Regulations, title 22, section 66273.83(d)(1)(A), in that on or about February 23, 2006, Respondent failed to notify the Department no later than 30 days prior to treating or recycling CRTs materials.

2.1.5. The Respondent violated California Code of Regulations, title 22, section 66273.83(b)(1)(C), in that on or about February 23, 2006, Respondent failed to ensure

that persons removing CRTs are thoroughly familiar with the techniques and safety precautions required to safely remove CRTs.

### 3. SCHEDULE FOR COMPLIANCE

3.1. Respondent has corrected the violations cited in Section 2.

3.1.1. Respondent shall make all payments at the time(s) and in accord with any other conditions set forth in Section 5 (Penalty) below.

### 4. OTHER PROVISIONS

4.1. Liability. Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Order. Notwithstanding compliance with the terms of this Order, Respondent may be required to take such further actions as are necessary to protect public health or welfare or the environment.

4.2. Penalties for Noncompliance. Failure to comply with the terms of this Order may subject Respondent to costs, penalties and/or damages, as provided by Health and Safety Code section 25188, and other applicable provisions of law.

4.3. Parties Bound. This Order shall apply to and be binding upon Respondent and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Order.

4.4. Integration. This agreement constitutes the entire agreement between the

parties and may not be amended, supplemented, or modified, except as provided in this Order.

#### 5. PENALTY

5.1. Respondent shall pay the Department the total penalty sum of \$15,000.00. Up to \$7,500.00 of the penalty amount is available as a credit against the penalty in the form of a supplemental environmental project (SEP) described in Attachment 1 to this Order. The SEP shall be completed within one year of the effective date of this Order. If the Department approved documented costs for the SEP exceeded the \$7,500.00, the excess amount shall not be considered as an additional credit to the total penalty amount. If the documented costs for the SEP do not total \$7,500.00, the Respondent shall pay the shortfall to the Department by check as part of the total penalty, such difference shall be paid by Respondent to the Department within 30 days from Department's notice of the applicable amount to Respondent.

5.2. Partial payments of the total sum specified in paragraph 5.1 are due on November 1, 2006, March 1, 2007, and July 1, 2007. Each partial payment shall be made in the amount of \$2,500.00 to the Department.

5.3. Respondent's check shall be made payable to Department of Toxic Substances Control, and shall identify the Respondent and Docket Number, as shown in the caption of this case, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control  
Accounting Office  
1001 I Street, 21st floor  
P. O. Box 806  
Sacramento, California 95812-0806

A photocopy of the check(s) shall be sent to:

Robert Kou, Unit Chief  
Statewide Compliance Division  
Department of Toxic Substances Control  
1011 North Grandview Avenue  
Glendale, California 91201

and

Ramon Perez, Esq.  
Office of Legal Counsel  
Department of Toxic Substances Control  
9174 Sky Park Court, Suite 150  
San Diego, California 92123

5.4. If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code, section 25360.1, and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

#### 6. EFFECTIVE DATE

6.1. The effective date of this Order is the date it is signed by the Department.

Dated: October 20, 2006

Original signed by Ted Teetsel  
Ted Teetsel  
Respondent

Dated: October 31, 2006

Original signed by Robert Kou  
Robert Kou, Unit Chief  
Statewide Compliance Division  
Department of Toxic Substances Control